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| 09/867,692 | 05/31/2001 | Robert M. Cooper | 06975-165001 / AOLT 14 | 6191 |
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| FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | VU, NGOC K | |
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| | | | 2611 | |

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,692

Applicant(s)

COOPER, ROBERT M.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/15/02, 7/9/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17, 52, 53 and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 is indefinite because there is no antecedent basis for the limitation "the TV ride programming" in line 2. Appropriate correction is required.

Claim 52 recites the limitation "set top box" in line 2. It is not clear whether this set top box is the same as "set top box" defined in claim 41. Appropriate correction is required.

Claim 76 is indefinite because its scope can not be determined, particularly, claim 76 depends on itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-5, 8-12, 14-17, 19-26, 29-37, 39-43, 45-49, 52-54, 56-61, 63-67, 70-72 and 74-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (U.S. 6,177,931 B1).

Regarding claim 1, Alexander teaches a method for presenting a television (TV) ride (EPG), the TV ride including an automated sequence of TV programming (programs in grid), comprising: receiving a TV ride selection (i.e., receiving EPG mode selection when user presses "Guide" button on a remote control); receiving, from a host, a TV ride lineup associated with the TV ride selection (receiving a list of programs or EPG information), the TV ride lineup specifying TV programming provided by more than one channel (as shown in figures 1 and 3-9); accessing the TV ride lineup; and automatically tuning to a channel that provides the TV programming based on the accessed TV ride lineup (instructing EPG to automatically tune to a channel providing TV program by accessing EPG information – see col. 6-7, lines 65-17; col. 10, lines 2-10).

Regarding claim 21, Alexander teaches a set top box (television receiver) for presenting a television (TV) ride (EPG), the TV ride including an automated sequence of TV programming (programs in grid), comprising: an interface (via remote control) for receiving a TV ride selection (i.e., receiving EPG mode selection when user presses "Guide" button on the remote control); an interface for receiving (within the television receiver), from a host, a TV ride lineup associated with the TV ride selection (receiving EPG information), the TV ride lineup specifying TV programming provided by more than one channel (as shown in figures 1 and 3-9); and a processor for accessing the TV ride lineup and for automatically tuning to a channel providing the TV programming based on the accessed TV ride lineup (instructing EPG to automatically tune to a channel providing TV program by accessing EPG information – see col. 6-7, lines 65-17; col. 10, lines 2-10; col. 3, lines 21-25; col. 5, lines 20-53).

Regarding claim 41, Alexander teaches that a method for providing a television (TV) ride (EPG), the TV ride including an automated sequence of TV programming (programs in grid), the method comprising: receiving a TV ride selection (i.e., receiving EPG mode selection when user presses "Guide" button on a remote control); determining a TV ride lineup in response to the TV ride selection (providing EPG information), the TV ride lineup including data for automatically tuning to the TV programming for more than one channel (it must be understood that the EPG information including data for instructing EPG to automatically tune to a channel providing TV program); and transmitting the TV ride lineup to a set top box (transmitting the EPG information to television receiver) (see col. 6-7, lines 65-17; col. 10, lines 2-10; col. 3, lines 21-25; col. 5, lines 20-53; col. 3, lines 21-25).

Regarding claim 59, Alexander teaches a host (provider or source) for providing a television (TV) ride (EPG), the TV ride including an automated sequence of TV programming (programs in grid), comprising: an interface (remote control) for receiving a TV ride selection (i.e., receiving EPG mode selection when user presses "Guide" button on a remote control); a processor for determining a TV ride lineup in response to the TV ride selection (providing EPG information), the TV ride lineup including data for automatically tuning to the TV programming for more than one channel (it must be understood that the EPG information including data for instructing EPG to automatically tune to a channel providing TV program); and an interface (transmitter) for transmitting the TV ride lineup to a set top box (transmitting the EPG information to television receiver) (see col. 6-7, lines 65-17; col. 10, lines 2-10; col. 3, lines 21-25; col. 5, lines 20-53; col. 3, lines 21-25).

Regarding claims 2 and 22, Alexander teaches storing the TV ride lineup (storing EPG information in memory), wherein accessing the TV ride lineup includes accessing the stored TV ride lineup (see col. 8, lines 19-24).

Regarding claims 3, 4, 23 and 24, Alexander teaches the features accessing data identifying TV programs included in the EPG information, and automatically tuning to the channel includes processing the identifying data to determine the channel and a time associated with the TV programming (see col. 10, lines 2-10).

Regarding claims 5, 25 and 26, Alexander teaches displaying the TV programming (on PIP window 12) and a window (16) (see figure 1 and col. 3, lines 56-58).

Regarding claims 8, 29, 45 and 63, Alexander teaches displaying an advertisement in the window 16 (see col. 4, lines 35-36).

Regarding claims 9, 30, 57 and 75, Alexander teaches receiving an indication (i.e., icon) that the TV programming in the TV ride corresponds to TV programming in an alternate TV ride (Internet); receiving a selection to view the alternate TV ride; and receiving, from the host, the lineup associated with the alternate TV ride (receiving Internet data/information) (see 18, lines 1-24 and 33-37).

Regarding claims 10, 31, 47 and 65, Alexander teaches that the TV ride is a sponsored TV ride (EPG provides producers of infomercials with extended capabilities to reach the viewers through the ad window – see col. 19, lines 50-57).

Regarding claims 11, 32, 48 and 66, Alexander teaches that the TV ride lineup is based on a theme (see col. 16-17, lines 65-2).

Regarding claims 12, 14, 15, 33-35, 49 and 67, Alexander teaches using based viewer profile to customize various aspects of the EPG (see col. 30, lines 45-58).

Regarding claims 16, 36, 46 and 64, Alexander discloses that the user can enter chat room or other interactive services (see col. 8, lines 61-64; col. 17, lines 52-57).

Regarding claims 17, 37, 54 and 72, Alexander teaches generating parameter data (scheduling guide data or information) indicating the TV ride programming associated with the

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received TV ride selection, transmitting the parameter data, and receiving a TV ride lineup based on the generated parameter data (see col. 8, lines 19-35).

Regarding claims 19 and 39, Alexander teaches receiving the TV ride lineup based on the TV ride selection and storing the TV ride lineup (see col. 8, lines 19-22).

Regarding claims 20, 40, 56 and 74, Alexander teaches periodically receiving additional TV ride lineup data from a host and updating the TV ride lineup based on the additional TV ride lineup data (see col. 32, lines 24-34).

Regarding claims 42 and 60, Alexander teaches determining an interactive opportunity and transmitting data based on the interactive opportunity to the set top box (television receiver) (col. 3, lines 21-25; col. 5, lines 20-53; col. 8, lines 61-64).

Regarding claims 43, 61, Alexander teaches that the data transmitted based on the interactive opportunity include a link to web content (see col. 18, lines 33-37).

Regarding claims 52, 53, 70 and 71, Alexander teaches determining the TV programming to which the television receiver is tuned (based on user's profile) and generating the customized EPG based on the determined the TV programming (see col. 29, lines 36-55; col. 28, lines 32-52).

Regarding claims 58 and 76, Alexander teaches receiving a selection to join the alternate TV ride and transmitting a TV ride lineup corresponding alternate TV ride (see col. 18, lines 1-6 and 33-38).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13, 50, 51, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931 B1).

Regarding claims 13, 50, 51, 68 and 69, Alexander teaches receiving EPG information included titles and times of TV programming (as shown in figures 1 and 3-10B). Alexander does not teach information included a rating of the TV programming. Official Notice is taken that rating of TV programs in EPG is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Alexander by providing rating of TV programs in EPG in order to visually indicate rating of TV programs displayed in the EPG.

Claims 6, 7, 27, 28, 44 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931 B1) in view of Blacketter et al. (US 20050166248 A1).

Regarding claims 6, 7, 27, 28, 44 and 62, Alexander teaches a chat or interactive feature (see col. 8, lines 61-64), and EPG comprises two windows for displaying information or advertisement (see figure 1). Alexander does not teach displaying a viewer poll in the window. However, Blacketter teaches that interactive window allows the viewer to interact with television broadcast source. This interaction include answering a question or a poll, requesting information about a program or advertiser, or purchasing a product or service. In figure 6, the viewer is asked to select their favorite vacation destination (see 0034). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Alexander by displaying a viewer poll in the window to interact with television broadcast as taught by Blacketter in order to enhance the television service.

7. Claims 18, 38, 55 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931 B1) in view of Maehiro (US 6,880,168 B2).

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Regarding claims 18, 38, 55 and 73, Alexander teaches online chat feature (see col. 8, lines 61-64; col. 17, lines 54-57). Alexander does not teach generating data indicating an invitation to join the chat, and transmitting the invitation data to one or more buddies. However, Maehiro teaches creating an invitation message prompting particular users to join the chat and transmitting the invitation message to the particular users (see abstract and col. 5, lines 39-42). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Alexander by creating an invitation message prompting particular users to join the chat and transmitting the invitation message to the particular users as taught by Maehiro in order to allow the user to open and join a chat with friends.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

August 1, 2005